

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL K. FORTH, JR., and
MARY KAY FORTH,

Plaintiffs,

v.

ORDER
13-CV-808-A

DIVERSEY CORPORATION,
JOHNSON DIVERSEY, INC., and
CHEMICAL DISTRIBUTORS, INC.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). On October 23, 2013, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 19), recommending that a motion by plaintiffs to remand the action to Supreme Court of the State of New York, County of Erie, be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiffs' motion to remand the action to Supreme Court of the State of New York, County of Erie, is denied.

The case is recommitted to Magistrate Judge McCarthy for further

proceedings pursuant to the Court's prior order. (Dkt. No. 6).

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 20, 2013